



The Task Force on Court Facilities
455 Golden Gate Avenue, San Francisco, CA 94102-3660

STANDARDS AND EVALUATION COMMITTEE

Meeting Report

January 27, 1999

Mission Inn, Riverside, CA

<p>TASK FORCE ATTENDEES: Hon. Daniel J. Kremer, TF chair (2nd half, part-time) Mr. Anthony Tyrrell (1st half) Mr. David Janssen (1st half)</p> <p>COMMITTEE MEMBERS: PRESENT: Hon. Wayne Peterson, Chair Sheriff Robert Doyle Hon. Gary Freeman Mr. Mike Courtney (DGS member replacing Mr. Eugene Spindler)</p> <p>ABSENT: Hon. Martha Escutia Hon. Michael E. Nail</p>	<p>PRESENTERS: Mr. Dan Smith, Daniel C. Smith & Associates/Vitetta Group</p> <p>TASK FORCE STAFF: Veronica Gomez, Staff Analyst (1st half)</p> <p>CONSULTANTS TO THE TASK FORCE: Ms. Kim Steinjann, Daniel, Mann, Johnson, & Mendenhall Ms. Kathy Bruns, Daniel C. Smith & Associates/Vitetta Group</p> <p>GUESTS: Mr. Rubin Lopez, California State Association of Counties Ms. Kellie Bieber, Orange County (1st half) Ms. Sue Bost, Department of Finance Mr. John Van Whervin, Los Angeles Superior Court</p>
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- I. Mr. Dan Smith opened the committee meeting at 8:10 AM. The December 2, 1998 committee meeting report was accepted.
- II. Mr. Smith presented an overview of the two main areas of discussion – working groups membership and “courtroom guidelines” development process.
- III. Mr. Smith reviewed the proposed membership of the four working groups: unification, security, appellate and technology. A list of proposed members was distributed and discussed. Mr. Smith clarified that the proposed members had been recommended by their respective organizations and that members can be added if desired.
 - 1) Unification working group: This group may interface with the Needs Analysis and Projections Committee and may be needed in phases 2 – 5. Judge Peterson suggested adding a representative from a large county; Mr. Janssen suggested from San Diego County. Other possibilities included Santa Clara, Los Angeles, and Orange counties.

- 2) Appellate working group: Ms. Sue Bost requested that someone from the Department of Finance be in the group because if DOF ultimately approves budgets for the appellate courts, it needs some understanding of the standards that apply.
- 3) Security working group: Mr. Smith said that Mr. Doug Fitzgerald of the consultant team will be available to meet with this group. He is the consultant team's security specialist.
- 4) Technology working group: A member from a small county was suggested. (This was later recommended to the Task Force.)
- 5) The committee approved, by consensus, the membership list for the working groups with the additional representatives as noted.

IV. Mr. Smith then presented an overview of the Phase 2 topics scheduled for discussion in this Task Force session. He first clarified that he will no longer refer to Phase 2 as the project "standards"; he will use the term "guidelines" for the duration of the project. The recommended courtroom guideline will be reviewed first by the committee and then by the Task Force. Though specific provisions of the courtroom guideline may change, Mr. Smith needs confirmation by the Task Force that this is the appropriate level of detail for the final guideline.

V. The guideline will serve two purposes:

- 1) As a basis for estimating the cost of new facilities the Task Force may recommend in its proposed facilities capital investment plan. (If the Judicial Council adopts the Task Forces court facility guidelines they will guide the courts and their architects in the planning, design and construction of new court facilities.)
- 2) As a measure for evaluating existing facilities during Phase 4 of the study

Mr. Smith noted that it may be helpful to include in its report to the Legislature, Governor, and Judicial Council the estimated cost of bringing all existing facilities up to optimum guidelines along with the cost of bring facilities to minimal guidelines as well as the cost of facility operations/maintenance.

VI. Mr. Mike Courtney noted that the Department of General Services undertook the evaluation of 14,000 buildings for seismic safety. He recommended the use of performance rather than prescriptive guidelines to allow flexibility for local preferences. The committee requested a copy of the report.

Sheriff Doyle noted that the BOC standards looks at each jail as it relates to the code requirements that were in effect at the time the facility was built.

Ms. Sue Bost noted that because of the evaluation methodology used in the seismic project, when DOF is asked to approve financing on priority seismic projects, the need for the work is not questioned by DOF.

VII. The group then discussed how to deal with existing buildings. Ms. Bost noted that in the seismic project, a building that is prioritized for a seismic upgrade generally is not brought to the level that would be required by code for a new building.

The committee adjourned at 9:30 AM for the Task Force meeting, and reconvened at 2:45 PM.

VIII. Ms. Sue Bost explained how the Department of Finance might look at funding a new court facility. If there is a "standard" for courts, then DOF might approve the funding as follows:

_____ square feet x \$_____ / square foot = \$_____

The rate per square foot is pre-set, and the number of square feet represents a given jurisdiction's entitlement.

- IX.** There was continued discussion and concern over how to evaluate existing buildings. Justice Kremer clarified that there will be two parts to the evaluation process:

- 1) Empirical – what is actually there, and how does it compare with the guidelines
- 2) Judgment – what to do about conditions that do not meet the guidelines

There was the concern of how the guidelines will affect the evaluation of existing building in terms of adequacy. Ms. Bost inquired if there will be an assumption that existing facilities will need to be brought up to the new guideline levels. Mr. Smith replied that there is not an apparent answer yet. Sheriff Doyle added the concern of what happens if the existing facilities are deemed inadequate according to the guidelines. Mr. Smith responded by noting that the Task Force needs benchmark guidelines to start evaluation.

- X.** The depth of the courtroom guidelines and level of detail were examined. Mr. Smith explained that the courtroom was selected as the first element of the guideline to be examined because it is the primary building block of the courthouse, defining its size and "footprint." Justice Kremer said that the recommended courtroom guideline was appropriate for a general purpose jury trial. The following changes were recommended by committee members:

- 1) Page 5, Item 2.b. Sound Locks, add: "If a sound lock cannot be provided, do provide sound absorption material at the corridor. "
- 2) Page 5, Item 2.c. Soundproofing, modify second sentence to read: "Adequate soundproofing will be used between courtrooms, . . ."
- 3) Page 6, Item 3. Courtroom Lighting, change "courtroom participants" to "courtroom occupants," typical.
- 4) Page 6, Item 3. Courtroom Lighting, change second paragraph to read: "Adequate lighting must be provided, . . ."
- 5) Page 10, Item 6.b. Bench, Work Surface: delete the words "or sloped" in the first sentence.
- 6) Page 12, Item 6.c. Court Clerk's Station: add security provisions similar to the judge's bench
- 7) Page 13, Item 6.d. Court Reporter's Area, Workstation: change 7' to 7 inches; delete reference to fixed workstation, it should be movable so the reporter can always hear.
- 8) Page 15, Item 6.g. Jury Box: add security provisions similar to the judge's bench
- 9) Witness stand: add security provisions similar to the judge's bench
- 10) Add lockable storage in the courtroom
- 11) Heights
- 12) Bench minimum 18"
- 13) Witness stand one to two steps at 6 to 7 inches per step
- 14) Jury first row OK at well level
- 15) Flexibility desired
- 16) Movable bar
- 17) Movable jury chairs, preferably with writing surface
- 18) Collapsible jury box

- XI.** Mr. Dan Smith explained that a similar level of detail will be developed for the remaining areas of the guidelines, to be submitted for review during the March Task Force meeting.

Mr. Smith then continued with a discussion of key issues. First discussed was the ratio of judge's chambers to courtrooms. Judge Wayne Peterson said it has been his experience in San Diego that after unification, all judges can try all types of cases, and that judges are frequently rotated among departments. He finds there is less flexibility now because every judge needs a courtroom.

Judge Peterson said that mobility among courtrooms works well under the following conditions:

There is a master/direct calendar system

No peremptory challenges to judges are allowed

There is a limited right to a jury trial (both civil and criminal cases)

Because numbers 2) and 3) do not apply in California, Judge Peterson saw little opportunity to significantly reduce the ratio. All committee members did agree that a ratio of slightly greater than one judge's chambers to one courtroom is possible, when retired judges are taken into consideration.

- XII.** Judge Peterson explained that commissioners and referees are judicial officers. Commissioners are appointed by a judge and funded from the existing courts budget; permission from the legislature is not required. Referees are used for juvenile cases only and are "creatures of statute."

The committee agreed that while the judicial function of an appointed judge and a non-judicial officer is the same, the chambers facilities would probably be different.

The ratio of clerical support staff per judicial officer will be different for judges than for non-judicial positions.

- XIII.** The second key issue discussed was whether one courtroom size fits all needs. Judge Peterson reminded committee members that many court functions today did not exist ten years ago; now there are non-judicial positions, drug courts, and other mandated programs with effects on facility planning.

In Mr. Smith's experience, when there is a direct calendar system:

- 1) For 1 to 6 courtrooms, one size fits all
- 2) For 6 to 10 courtrooms, consider different types for jury and non-jury courtrooms
- 3) For more than 10 courtrooms, consider different types for civil and criminal courtrooms

Generally the committee said that in larger jurisdictions, different court types should be considered. Judge Peterson recommended that each court facility have a holding area, even if there is not a secure circulation system and the courts are intended for civil use only – because at some point the need to restrain someone will arise in almost every court facility.

- XIV.** Judge Peterson noted that the AOC's Community Service Outreach may result in more and smaller courts closer to the population, but that no recommended action will be forthcoming from AOC before the guidelines are decided for the remainder of this study. Mr. Smith suggested including some discussion of this in the introduction to the guidelines.

- XV.** The committee adjourned at 4:50 PM.